

Chairman Rod Johnson called the regularly scheduled meeting to order at 10:00 a.m. with Commissioners Boyle, Johnson, Landis, Schram and Vap present. Chairman Johnson invited the public to address the Commission. Chairman Johnson also announced that a copy of the Nebraska Open Meetings Act was available in the meeting room. No comments were made.

GENERAL ADMINISTRATION

Notice was duly published June 19, 2007 on Page 8 of The Daily Record that the regular public meeting of the Commissioners of the Nebraska Public Service Commission would be held June 26, 2007 at 10:00 a.m. in the Commission Hearing Room, 300 The Atrium, 1200 N Street, Lincoln.

Attention was called to the following proceedings:

Tuesday, June 26, 2007:

Commission Hearing Room, Lincoln.

TR-157 1:30	In the Matter of Servant Cab Company, LLC, Lincoln, seeking authority to amend its rates and charges. Commissioner Landis presiding as Hearing Officer.
MODF-1 2:30	Commission Hearing Room, Lincoln. In the Matter of the Commission, on its own motion, seeking to determine the fee amount for the Modular Housing Program. Commissioner Johnson presiding as Hearing Officer.
NUSF-50 3:00	In the Matter of the Commission, on its own motion, seeking to make adjustments to the universal service fund mechanism established in NUSF-26. Commissioner Landis presiding as Hearing Officer.

COMMUNICATIONS DEPARTMENT

C-3612/ PI-119	In the Matter of the Commission, on its own motion, seeking to review the Final Report on the Audit of Qwest's Performance Assurance Plans: Motion made by Commissioner Jerry Vap, seconded by Commissioner Anne Boyle, to enter an order approving the 2004 audit report. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.
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COMMUNICATIONS DEPARTMENT (Cont.)

C-3787 In the Matter of First Choice Technology, Inc., Maitland, Florida, seeking authority to operate as a resale carrier of intrastate interexchange telecommunication services within the State of Nebraska: Motion made by Commissioner Tim Schram, seconded by Commissioner Anne Boyle, to enter an order granting applicant's request to withdraw the application and close the docket. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

C-3802 In the Matter of Digital ISP Group, Inc., Lincoln, seeking authority to operate as a local exchange and interexchange carrier of telecommunication services within the State of Nebraska: Motion made by Commissioner Frank Landis, seconded by Commissioner Tim Schram, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

C-3803 In the Matter of Applewood Communications Corporation, New York, New York, seeking authority to operate as a reseller of interexchange telecommunication services within the State of Nebraska: Motion made by Commissioner Jerry Vap, seconded by Commissioner Frank Landis, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

C-3809 In the Matter of Vanco Direct USA, LLC, Chicago, Illinois, seeking approval of guarantee of indebtedness: Motion made by Commissioner Tim Schram, seconded by Commissioner Frank Landis, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

 Motion made by Commissioner Frank Landis, seconded by Commissioner Jerry Vap, to enter orders granting the applications in Dockets E-2141, E-2147 and E-2148. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

E-2141 In the Matter of the City of Wood River, Wood River, seeking authority to construct, operate and maintain an electric transmission line in Hall County.

E-2147 In the Matter of the Norris Public Power District, Beatrice, seeking authority to construct, operate and maintain an electric transmission line in Gage County.

E-2148 In the Matter of Lincoln Electric System, Lincoln, seeking authority to construct, operate and maintain an electric transmission line in Lancaster County.

COMMUNICATIONS DEPARTMENT (Cont.)

C-3788 In the Matter of Cable USA III, LLC, Scottsbluff, seeking authority to provide local exchange and interexchange telecommunication services in the State of Nebraska. Commissioner Vap presiding as Hearing Officer: Gene Hand informed the Commission that a Hearing Officer's order was entered on June 20, 2007, setting a procedural schedule and scheduling a hearing for September 18, 2007, at 1:30 p.m. in the Commission Hearing Room, Lincoln.

Gene Hand distributed copies of information provided by Northeast Nebraska Telephone Company at the informational meetings held in Clarks and Ulysses.

Gene Hand reported that based on an action by the Federal Communications Commission on May 31, 2007, interconnected VoIP providers were subject to the requirements of Section 225, including contributing to the Telecommunications Relay Services Fund and offering 711 abbreviated dialing for access to relay services.

C-3206 In the Matter of the Commission, on its own motion, seeking to administer the Nebraska Internet Enhancement Fund. Commissioner Johnson presiding as Hearing Officer: Gene Hand informed the Commission that \$15,409.43 was transferred out of the Competitive Market Fund to the Nebraska Internet Enhancement Fund (NIEF) on June 20, 2007. The NIEF balance after the transfer was \$259,206.17.

Commissioner Boyle exited the Commission Hearing Room.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT

911-023.01 In the Matter of Sarpy County, Papillion, seeking funding approval for recurring and non-recurring costs associated with Enhanced Wireless 911 implementation: Motion made by Commissioner Jerry Vap, seconded by Commissioner Frank Landis, to enter an order scheduling a hearing for July 10, 2007 at 1:30 p.m. in the Commission Hearing Room, Lincoln. Commissioner Schram announced that he would decline to serve as hearing officer and would recuse himself from this proceeding, as it addresses expenses incurred while he was a member on the Sarpy County Board of Commissioners. Motion passed with Commissioners Rod Johnson, Frank Landis and Jerry Vap voting AYE, Commissioner Tim Schram present not voting, and Commissioner Anne Boyle excused not voting. Commissioner Landis was appointed as Hearing Officer.

911-023.07 In the Matter of Cedar County, Hartington, seeking funding approval for recurring and non-recurring costs of Enhanced Wireless 911 implementation: Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to enter an order approving funding for implementation of a wireless carrier. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

TELECOMMUNICATIONS INFRASTRUCTURE AND PUBLIC SAFETY DEPARTMENT (Cont.)

911-023.52 In the Matter of Nuckolls County, Public Safety Answering Point, Nelson, seeking funding approval for recurring and non-recurring costs of Enhanced Wireless 911 implementation: Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to enter an order approving GIS data. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

NUSF-4 In the Matter of the Commission, on its own motion, seeking to determine the level of the fund necessary to carry out the Nebraska Telecommunications Universal Service Fund Act: Motion made by Commissioner Frank Landis, seconded by Commissioner Jerry Vap, to enter an order setting the surcharge for the Fiscal Year 2007-2008. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

Motion made by Commissioner Tim Schram, seconded by Commissioner Frank Landis, to approve Jeff Pursley's recommendation that complaints be opened against late-filed carriers First Communications, LLC; Network Operator Services and Protel Advantage, d/b/a Long Distance Savings. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

NATURAL GAS DEPARTMENT

NG-0011/
PI-74 In the Matter of the Commission, on its own motion, seeking to conduct an investigation for the purpose of monitoring NorthWestern Energy's financial condition and ability to continue providing adequate and reliable service to its customers: Motion made by Commissioner Jerry Vap, seconded by Commissioner Frank Landis, to enter an order closing the docket. Motion passed with Commissioners Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE, and Commissioner Anne Boyle excused not voting.

FC-1325 In the Matter of SourceGas Distribution LLC, f/k/a Kinder Morgan, Inc.-Retail, Lakewood, Colorado, vs. Panhandle Feeders, Morrill, alleging proposed installation of duplicative and redundant natural gas facilities. Commissioner Vap presiding as Hearing Officer: Laura Demman informed the Commission that a Planning Conference was held on June 25, 2007, and a planning conference order was entered setting the procedural schedule and scheduling a hearing for November 28, 2007, at 10:00 a.m. in the Commission Hearing Room, Lincoln.

NATURAL GAS DEPARTMENT (Cont.)

NG-0047/ In the Matter of the Petition of the Nebraska Public Advo-
DR-0002 cate for a Declaratory Ruling, seeking a determination
that Kinder Morgan, Inc., n/k/a SourceGas Distribution LLC,
improperly implemented interim and final rates in Docket NG-0036 for
which customers are entitled to a credit or refund. Commissioner Vap
presiding as Hearing Officer: Laura Demman informed the Commission
that a Planning Conference was held June 25, 2007, and the Public
Advocate intends to withdraw his petition and re-file it as a com-
plaint.

TRANSPORTATION DEPARTMENT

Railroad Division

Tim Sandusky reported, and the Commissioners discussed,
rail safety developments, including derailments caused by rail
defects, complaints about blocked crossings and whistle noise.

Commissioner Boyle returned to the Commission Hearing Room.

Motor Carrier Division

B-1494, In the Matter of Midlands Service Link, Inc., Omaha, seek-
Supp. 1 ing to acquire, through transfer, the authority granted to
All Nations Church of the Lord Jesus Christ, d/b/a All
Nations Specialized Transport & Travel Service, Omaha, in Certificate
B-1514: Motion made by Commissioner Tim Schram, seconded by Commis-
sioner Frank Landis, to enter an order dismissing the application.
Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank
Landis, Tim Schram, and Jerry Vap voting AYE.

B-1689 In the Matter of Karl Riggs, d/b/a Kountry Limousine Com-
pany, Bennington, seeking authority as a common carrier
in Nebraska intrastate commerce in the transportation of passengers
and their baggage in limousine service between points in Douglas,
Washington and Dodge counties and between points in such counties over
irregular routes in luxury or stretch limousines. RESTRICTION: The
transportation of railroad train crews and their baggage is not
authorized: Motion made by Commissioner Frank Landis, seconded by
Commissioner Jerry Vap, to enter an order to grant the motion for
reconsideration and deny the application. Commissioners Landis and
Schram commented on their opinion that there was not sufficient
evidence of public convenience and necessity. Motion passed with
Commissioners Frank Landis, Tim Schram and Jerry Vap voting AYE, and
Commissioners Anne Boyle and Rod Johnson voting NAY.

TRANSPORTATION DEPARTMENT (Cont.)

M-14191 In the Matter of 911 Moving, LLC, seeking authority as a common carrier in Nebraska intrastate commerce in the transportation of household goods over irregular routes between points in Douglas County and Sarpy County and between points in said counties: A Hearing Officer's Order was entered June 26, 2007 stating that protestants must obtain legal counsel or the matter will be dismissed on July 2, 2007.

M-14197 In the Matter of Mid-America Transfer, Inc., Grand Island, seeking authority as a common carrier in Nebraska intrastate commerce in the transportation of household goods through all points in the state of Nebraska over irregular routes: Motion made by Commissioner Frank Landis, seconded by Commissioner Tim Schram, to enter an order granting the application. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

M-14198 In the Matter of Smoldt Moving & Storage, Inc., Des Moines, Iowa, seeking to acquire, through transfer, the authority granted to Portable Storage of Nebraska, LLC, d/b/a PODS, in Certificate M-14186: Motion made by Commissioner Jerry Vap, seconded by Commissioner Tim Schram, to enter an order granting the application and revoking Certificate M-14186. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

Rate Division

In the Matter of Movers and Warehouse Division, Nebraska Motor Carriers Association, Lincoln, seeking authority to establish a fuel surcharge in Nebraska Official Goods Tariff 7F: The fuel surcharge was retained at 70 cents per mile.

GENERAL ADMINISTRATION

Motion made by Commissioner Anne Boyle, seconded by Commissioner Rod Johnson, to approve the Executive Director's recommendation for approval of the following Commission invoices. Motion passed with Commissioners Anne Boyle, Rod Johnson, Tim Schram and Jerry Vap voting AYE, and Commissioner Frank Landis voting NAY.

Larry Fauss	\$	990.00
Rod Johnson		646.02
Gerald Vap		911.84
Cornhusker State Industries		690.00
DAS-Communications		11,302.33
Dept. of Roads		775.83

GENERAL ADMINISTRATION (Cont.)

Motion made by Commissioner Tim Schram, seconded by Commissioner Jerry Vap, to approve the Executive Director's recommendation to renew the Commission's agreement with the University of Nebraska Board of Regents for the provision of services relating to the development of a web interface for companies that are submitting NUSF expense form information to the Commission. Motion passed with Commissioners Anne Boyle, Rod Johnson, Frank Landis, Tim Schram and Jerry Vap voting AYE.

The meeting adjourned at 10:45 a.m. with Commissioners Boyle, Johnson, Landis, Schram and Vap present. The next regularly scheduled meeting will be held on July 3, 2007, at 10:00 a.m. with an agenda to be available in the office of the Executive Director at 10:00 a.m. on July 2, 2007.

Chairman

Executive Director